

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1528*

House Bill No. 1449

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-432, is amended by adding the following language as a new subsection:

(h)

(1) Notwithstanding subsection (d) or (e) or any other law to the contrary, the court that imposed a sentence for an offense committed under this section that occurred prior to September 1, 2020, may, upon motion of the defendant or the district attorney general or the court's own motion, resentence the defendant pursuant to subsections (a)–(g). The court shall hold an evidentiary hearing on the motion, at which the defendant and district attorney general may present evidence. The defendant shall bear the burden of proof to show that the defendant is eligible for a new sentence under this subsection (h). The court shall not resentence the defendant if the new sentence would be greater than the sentence originally imposed. Upon request by an indigent defendant, the court shall appoint counsel to represent the defendant on such a motion.

(2) The court shall not entertain a motion made under this subsection (h) to resentence a defendant if:

(A) A previous motion made under this subsection (h) to reduce the sentence was denied after a review of the motion on the merits; or

(B) The defendant has previously applied to the governor for a grant of executive clemency for the same offense.



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(3) This subsection (h) does not require a court to reduce any sentence pursuant to this section.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to offenders sentenced for an offense committed before September 1, 2020.